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| 64046 7590 07/27/2009<br>MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C<br>ONE FINANCIAL CENTER<br>BOSTON, MA 02111 |             |                      |                              |                  |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/809,710

**Applicant(s)**

ISOMAKI ET AL.

**Examiner**

ROBERT W. WILSON

**Art Unit**

2419

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 6/9/09.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5, 7-15 and 20-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-15 and 20-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 7-15, & 20-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosen (U.S. Patent No.: 6,725,053).

Referring to claim 1, the first embodiment of Rosen teaches: A method (method performed per col. 4 lines 34 to 46) comprising

Including in a message floor status information of a data communication media in relation to a part of a communication session the message carrying communication media information for the communication session (When a net user or session participant pushes PTT a floor control request is sent to obtain permission from a communication manager or CM. If no other net member or session member is currently assigned the floor a grant of transmission privilege or communication session message carrying an alert or media information for the communication session is sent to the requesting net user per Figure 1 and per col. col. 4 line 34 to 46)

The message configured as at least one an offer and an answer (The alert message can be interpreted as an answer from the CM in response to the PTT request and also the alert which is a grant can also be interpreted as an offer from the CM to communicate per col. 4 lines 34 to 46)

sending the message from a communication system to a user equipment (The floor status message is sent from the communication manager (communication system) to the requesting net user via 102, 104, or 106 or user equipment per Figure 1 and per col. 3 line 5 to col. 6 line 30) and generating the message is generated as an alert per Figure 1 and per col. 3 line 5 to col. 6 line 30)

The first embodiment does not expressly call for: session description protocol

The second embodiment teaches: session description protocol per Figure 2 and per col. 6 line 59 to col. 7 line 10

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the session description protocol of second embodiment to the alert message of the first embodiment in order to simplify the task of responding to request while retaining flexibility for

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future enhancements while making the system standards compliant so the system will interoperate with legacy systems.

In addition first embodiment of Rosen teaches:

Regarding claim 2, wherein including the floor status information comprises including the floor status information in an offer for the communication session. (grant permission or offer per col. 4 line 34 to 46)

Referring to claim 3, the combination of the first and second embodiment of Rosen teach: the method as claimed in claim 2

The first embodiment of Rosen does not expressly call for: further comprising an indication that the floor is taken in the offer

The second embodiment of Rosen teaches: further comprising an indication that the floor is taken in the offer (Net status in response to conflicting request per col. 6 line 59 to col. 7 line 23)

It would have been obvious to add the further comprising an indication that the floor is taken in the offer of the second embodiment of Rosen to the processing of the combination of the first and second embodiments of Rosen in order to better arbitrate the request processing.

Referring to claim 4, the combination of the first and second embodiment of Rosen teach: the method as claimed in claim 1

The first embodiment of Rosen does not expressly call for: wherein the including the floor status information comprises including in an answer to an offer for the communication session

The second embodiment of Rosen teaches: wherein the including the floor status information comprises including in an answer to an offer for the communication session (Beginning (answer) in response to push-to-talk request per col. 6 line 59 to col. 7 line 23)

It would have been obvious to add the wherein the including the floor status information comprises including in an answer to an offer for the communication session of the second embodiment of Rosen to the processing of the combination of the first and second embodiments of Rosen in order to better arbitrate the request processing.

In addition the first embodiment of Rosen teaches:

Regarding claim 5, further comprising including an indication that a floor is granted in the answer (grant permission or answer per col. 4 line 34 to 46)

Referring to claim 7, the combination of the first and second embodiment of Rosen teach: the method as claimed in claim 1 and First embodiment teaches: carrying a push to talk service session (Carrying a PTT associated with net or session per col. 3 line 5 to col. 6 line 30)

The first embodiment of Rosen does not expressly call for: session initiation protocol.

The second embodiment of Rosen teaches: session initiation protocol (Per Fig 2 and per col. 6 line 59 to col. 7 line 10)

It would have been obvious to add session initiation protocol of the second embodiment to the processing of the combination of the first and second embodiment in order to implement the arbitration using a standards based protocol which will allow for interoperability with standards based system.

In addition the first embodiment of Rosen teaches:

Regarding claim 8, the combination of the first and second embodiment teach: the method as claimed in claim 1 and First embodiment teaches: carrying a push to talk service session (Carrying a PTT associated with net or session per col. 3 line 5 to col. 6 line 30)

Regarding claim 9, further comprising sending the message over an internet protocol multimedia subsystem (Video and music or multimedia over IP per col. 3 lines 37 to 56)

Regarding claim 10, further comprising sending the message over a general packet radio service network (GSM per col. 3 lines 33 to 35 which inherently has a GPRS)

Regarding claim 11, further comprising providing communication session using a packet data protocol context (GSM per col. 3 lines 33 to 35 which inherently has data protocol context)

Regarding claim 12, wherein the sending of the message comprises sending a message form an application server operatively connected to the communication system (GSM per col. 3 lines 33 to 35 which inherently has application server connected to the communication system)

Regarding claim 13, wherein the sending the message comprises sending a message from a push-to-talk over cellular server (sending a push-to-talk request per is sent over BTS per Fig 1 or cellular server)

Referring to claim 14, The first embodiment of Rosen teaches: a computer program embodied on a computer readable medium comprising a program code configured to control a processor to execute the process, the process comprising: (memory and processor per col. 4 lines 9 to 11 and software per col. 6 line 1) processing comprising:

Including in a message floor status information of a data communication media in relation to a part of a communication session the message carrying communication media information for the communication session (When a net user or session participant pushes PTT a floor control request is sent to obtain permission from a communication manager or CM. If no other net member or session member is currently assigned the floor a grant of transmission privilege or

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communication session message carrying an alert or media information for the communication session is sent to the requesting net user per Figure 1 and per col. 4 line 34 to 46)

The message configured as at least one an offer and an answer (The alert message can be interpreted as an answer from the CM in response to the PTT request and also the alert which is a grant can also be interpreted as an offer from the CM to communicate per col. 4 lines 34 to 46)

sending the message from a communication system to a user equipment (The floor status message is sent from the communication manager (communication system) to the requesting net user via 102, 104, or 106 or user equipment per Figure 1 and per col. 3 line 5 to col. 6 line 30) and generating the message is generated as an alert per Figure 1 and per col. 3 line 5 to col. 6 line 30)

The first embodiment of Rosen does not expressly call for: session description protocol

The second embodiment of Rosen teaches: session description protocol per Figure 2 and per col. 6 line 59 to col. 7 line 10

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the session description protocol of second embodiment of Rosen in performing requesting and granting of the first embodiment of Rosen in order to simplify the task of responding to request while retaining flexibility for future enhancements while making the system standards compliant so the system will interoperate with legacy systems.

Referring to claim 15, the first embodiment of Rosen teaches: a communication system to provide communication session (Figure 1 shows the system for providing communication net or session) comprising:

A data network configured to provide data communication resources (The combination of the wireless to the BTS and the wired WAN to the CM BTS and NBS as well as The Internet is the data network per Fig 1. The data network has inherent resources such as bandwidth which is allocated)

An application server configured to connect to the data network (The CM or application server is connected to wired WAN, BTS, BSC, Internet and wireless devices via the data network per Fig 1)

wherein the application server is configured to include in a message floor status information of a data communication media in relation to a party of a communication session, the message message carrying data communication media information for the communication session and to send the message to a user equipment via the data network (When a net user or session participant pushes PTT a floor control request is sent to obtain permission from a communication manager or CM. If no other net member or session member is currently assigned the floor a grant of transmission privilege or communication session message carrying an alert or media

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information for the communication session is sent to the requesting net user per Figure 1 and per col. 3 line 5 to col. 6 line 30) the message configured as at least one an offer and an answer (The alert message can be interpreted as an answer from the CM in response to the PTT request and also the alert which is a grant can also be interpreted as an offer from the CM to communicate per col. 4 lines 34 to 46)

and to send the message to user equipment (The floor status message is sent from the communication manager (communication system) to the requesting net user via 102, 104, or 106 or user equipment per Figure 1 and per col. 3 line 5 to col. 6 line 30)

and a processor configured to generate the message is generated as an alert (CM has a processor per col. 4 lines 8 to 11 and alert message is generated per col. 3 line 5 to col. 6 line 30)

The first embodiment does not expressly call for: session description protocol

The second embodiment teaches: session description protocol per Figure 2 and per col. 6 line 59 to col. 7 line 10

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the session description protocol of second embodiment in performing requesting and granting of the first embodiment in order to simplify the task of responding to request while retaining flexibility for future enhancements while making the system standards compliant so the system will interoperate with legacy systems.

Referring to claim 20, The first embodiment of Rosen teaches: An apparatus (CM per Fig 1) comprising:

Processor configured to including in a message floor status information of a data communication media in relation to a part of a communication session in a message carrying communication media information for the communication session (The first embodiment teaches: CM has a processor per 4 line 8 to 11 which respond when a net user or session participant pushes PTT a floor control request is sent to obtain permission from a communication manager or CM. If no other net member or session member is currently assigned the floor a grant of transmission privilege or communication session message carrying an alert or media information for the communication session is sent to the requesting net user per Figure 1 and per col. 3 line 5 to col. 6 line 30)

The message configured as at least one an offer and an answer (The alert message can be interpreted as an answer from the CM in response to the PTT request and also the alert which is a grant can also be interpreted as an offer from the CM to communicate per col. 4 lines 34 to 46)

Wherein the processor is sending the message from a communication system to a user equipment (The floor status message is sent from the communication manager (communication system) via

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processor per col. 4 lines 8 to 11 to the requesting net user via 102, 104, or 106 or user equipment per Figure 1 and per col. 3 line 5 to col. 6 line 30) and configured to generate the message is generated as an alert per Figure 1 and per col. 3 line 5 to col. 6 line 30)

The first embodiment does not expressly call for: session description protocol

The second embodiment teaches: session description protocol per Figure 2 and per col. 6 line 59 to col. 7 line 10

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the session description protocol of second embodiment in performing requesting and granting of the first embodiment in order to simplify the task of responding to request while retaining flexibility for future enhancements while making the system standards compliant so the system will interoperate with legacy systems.

In addition first embodiment of Rosen teaches:

Regarding claim 21, further comprising a push to talk application server (The CM (application server) sends a response to push-to-talk request per col. 3 line 5 to col. 6 line 30)

Regarding claim 22, wherein the processor is configured to connect to an internet protocol multimedia subsystem (processor per col. 4 lines 8-11 with Video and music or multimedia over IP per col. 3 lines 37 to 56)

Regarding claim 23, wherein the processor is configured to include the floor status information at least one of an offer for the communication session or an answer to the offer of the communication session (processor per col. 4 lines 8-11 provides grant request or offer per col. 3 line 5 to col. 6 line 30)

Referring to claim 24, the first embodiment of Rosen teaches: A system (Fig 1 comprising:

node configured to including floor status information of a data communication media in relation to a part of a communication session in a message carrying communication media information for the communication session (The first embodiment teaches: when a net user or session participant pushes PTT a floor control request is sent to obtain permission from a communication manager or CM or node. If no other net member or session member is currently assigned the floor a grant of transmission privilege or communication session message carrying an alert or media information for the communication session is sent to the requesting net user by the the CM per Figure 1 and per col. 3 line 5 to col. 6 line 30), the message configured as at least one an offer and an answer (The alert message can be interpreted as an answer from the CM in response to the PTT request and also the alert which is a grant can also be interpreted as an offer from the CM to communicate per col. 4 lines 34 to 46)



processor is configured to send the message from a communication system to a user equipment (The floor status message is sent from the communication manager via the processor per col. 4 lines 8 to 11 to the requesting net user via 102, 104, Or 106 or user equipment per Figure 1 and per col. 3 line 5 to col. 6 line 30) and generating the message is generated as an alert per Figure 1 and per col. 3 line 5 to col. 6 line 30)

The first embodiment does not expressly call for: session description protocol

The second embodiment teaches: session description protocol per Figure 2 and per col. 6 line 59 to col. 7 line 10

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the session description protocol of second embodiment in performing requesting and granting of the first embodiment in order to simplify the task of responding to request while retaining flexibility for future enhancements while making the system standards compliant so the system will interoperate with legacy systems.

Referring to claim 25 the combination of embodiments 1 and 2 of Rosen teach: the system of claim 24 and the message.

The first embodiment does not expressly call for: correlated to session description protocol.

The second embodiment teaches: correlated to session description protocol (per Figure 2 and per col. 6 line 59 to col. 7 line 10)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add correlated to session description protocol of second embodiment in performing requesting and granting of the first embodiment in order to simplify the task of responding to request while retaining flexibility for future enhancements while making the system standards compliant so the system will interoperate with legacy systems.

Referring to claim 26, the first embodiment of Rosen teaches: A system (Fig 1) comprising:

Including means for including in a message floor status information of a data communication media in relation to a part of a communication session, the message carrying communication media information for the communication session (The first embodiment teaches: when a net user or session participant pushes PTT a floor control request is sent to obtain permission from a communication manager or CM which has a processor per col. 4 lines 8 to 11 or including means. If no other net member or session member is currently assigned the floor a grant of transmission privilege or communication session message carrying an alert or media information for the communication session is sent to the requesting net user per Figure 1 and per col. 3 line 5 to col. 6 line 30), the message configured as at least one an offer and an answer (The alert message can be interpreted as an answer from the CM in response to the PTT request and also the alert which is a grant can also be interpreted as an offer from the CM to communicate per col. 4 lines 34 to 46)

sending means for sending a message the message from a communication system to a user equipment (The floor status message is sent from the communication manager which has an inherent port to the WAN or sending means for sending a message to the requesting net user via 102, 104, 0r 106 or user equipment per Figure 1 and per col. 3 line 5 to col. 6 line 30) and

generating means for the message (processor per col. lines 8 to 11 or generating means for generated as an alert per Figure 1 and per col. 3 line 5 to col. 6 line 30

The first embodiment does not expressly call for: session description protocol

The second embodiment teaches: session description protocol per Figure 2 and per col. 6 line 59 to col. 7 line 10

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the session description protocol of second embodiment to generating means of the first embodiment in order to simplify the task of responding to request while retaining flexibility for future enhancements while making the system standards compliant so the system will interoperate with legacy systems.

Referring to claim 27, The first embodiment of Rosen teaches: a communication system to (Figure 1 shows the communication system) comprising:

A data network means configured to provide data communication resources (The combination of the wireless to the BTS and the wired WAN to the CM BTS and NBS as well as The Internet is the data network means per Fig 1. The data network has inherent resources such as bandwidth which is allocated)

application server means includes in message floor status of a data communication media in relation to party of a communication message for connecting to the data network (The CM or application server has an inherent interface or means for connecting which is connected to wired WAN, BTS, BSC, Internet and wireless devices via the data network per Fig 1. When a net user or session participant pushes PTT a floor control request is sent to obtain permission from a communication manager or CM. If no other net member or session member is currently assigned the floor a grant of transmission privilege or communication session message carrying an alert or media information for the communication session is sent to the requesting net user per Figure 1 and per col. 3 line 5 to col. 6 line 30 and sends a message to user equipment The floor status alert message s sent from the communication manager to the requesting net user via 102, 104, 0r 106 or user equipment per Figure 1 and per col. 3 line 5 to col. 6 line 30) the message configured as at least one an offer and an answer (The alert message can be interpreted as an answer from the CM in response to the PTT request and also the alert which is a grant can also be interpreted as an offer from the CM to communicate per col. 4 lines 34 to 46) and

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generating means for generating the message (The message is generated as an alert by CM has a processor or generating means per col. 4 lines 8 to 11 and alert message is generated per col. 3 line 5 to col. 6 line 30)

The first embodiment does not expressly call for: session description protocol

The second embodiment teaches: session description protocol per Figure 2 and per col. 6 line 59 to col. 7 line 10

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the session description protocol of second embodiment in performing requesting and granting of the first embodiment in order to simplify the task of responding to request while retaining flexibility for future enhancements while making the system standards compliant so the system will interoperate with legacy systems.

Referring to claim 28, the first embodiment of Rosen teaches: A apparatus (Fig 1) comprising:

Including means for including in a message floor status information of a data communication media in relation to a part of a communication session in a message carrying communication media information for the communication session (The first embodiment teaches: when a net user or session participant pushes PTT a floor control request is sent to obtain permission from a communication manager or CM which has a processor per col. 4 lines 8 to 11 or including means. If no other net member or session member is currently assigned the floor a grant of transmission privilege or communication session message carrying an alert or media information for the communication session is sent to the requesting net user per Figure 1 and per col. 3 line 5 to col. 6 line 30) the message configured as at least one an offer and an answer (The alert message can be interpreted as an answer from the CM in response to the PTT request and also the alert which is a grant can also be interpreted as an offer from the CM to communicate per col. 4 lines 34 to 46)

sending means for sending a message the message from a communication system to a user equipment (The floor status message is sent from the communication manager which has an inherent port to the WAN or sending means for sending a message to the requesting net user via 102, 104, 0r 106 or user equipment per Figure 1 and per col. 3 line 5 to col. 6 line 30) and

generating means for the message (processor per col. lines 8 to 11 or generating means for generated as an alert per Figure 1 and per col. 3 line 5 to col. 6 line 30

The first embodiment does not expressly call for: session description protocol

The second embodiment teaches: session description protocol per Figure 2 and per col. 6 line 59 to col. 7 line 10

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It would have been obvious to one of ordinary skill in the art at the time of the invention to add the session description protocol of second embodiment to generating means of the first embodiment in order to simplify the task of responding to request while retaining flexibility for future enhancements while making the system standards compliant so the system will interoperate with legacy systems.

Referring to claim 29, the first embodiment of Rosen teaches: A method executed on a processor (Fig 1 performs the method) comprising:

Receiving a message describing a communication session wherein the message carries data communication media information for the communication session and floor status information of a data communication media in relation to part of the session (When a net user or session participant pushes PTT a floor control request is sent to obtain permission from a communication manager or CM. If no other net member or session member is currently assigned the floor a grant of transmission privilege or communication session message carrying an alert or media information as well as floor status information because the alert is a grant for the communication session Figure 1 and per col. col. 4 line 34 to 46)

Indicating a floor status to a party (The alert indicates a grant or floor status information for the communication session Figure 1 and per col. col. 4 line 34 to 46)

The first embodiment does not expressly call for: session description protocol

The second embodiment teaches: session description protocol per Figure 2 and per col. 6 line 59 to col. 7 line 10

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the session description protocol of second embodiment to the alert message of the first embodiment in order to simplify the task of responding to request while retaining flexibility for future enhancements while making the system standards compliant so the system will interoperate with legacy systems.

In addition Rosen teaches:

Regarding claim 30, wherein the indicating the floor information to the party comprises indicating that a floor is taken (negative confirmation from the server relative to PTT request per col. 1 lines 54 to 58)

Regarding claim 31, wherein the indicating the floor status information to the party comprises indicating that a floor is granted (positive confirmation from the server relative to PTT request per col. 1 lines 54 to 58)

Referring to claim 32, The first embodiment of Rosen teaches: an apparatus (processor per col. 4 lines 9 to 11) the processor (col. 4 lines 9 to 11) configured to

Receiving a message describing a communication session wherein the message carries data communication media information for the communication session and floor status information of a data communication media in relation to part of the session (When a net user or session participant pushes PTT a floor control request is sent to obtain permission from a communication manager or CM. If no other net member or session member is currently assigned the floor a grant of transmission privilege or communication session message carrying an alert or media information as well as floor status information because the alert is a grant for the communication session Figure 1 and per col. col. 4 line 34 to 46)

And configured to provide an indicating a floor status to a party (The alert indicates a grant or floor status information for the communication session Figure 1 and per col. col. 4 line 34 to 46)

The first embodiment does not expressly call for: session description protocol

The second embodiment teaches: session description protocol per Figure 2 and per col. 6 line 59 to col. 7 line 10

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the session description protocol of second embodiment to the alert message of the first embodiment in order to simplify the task of responding to request while retaining flexibility for future enhancements while making the system standards compliant so the system will interoperate with legacy systems.

In addition Rosen teaches:

Regarding claim 33, wherein the processor is configured to indicate that floor is taken (negative confirmation from the server relative to PTT request per col. 1 lines 54 to 58)  
wherein the indicating

Regarding claim 34, wherein the processor is configured to indicate the floor status information to the party comprises indicating that a floor is granted (positive confirmation from the server relative to PTT request per col. 1 lines 54 to 58)

Referring to claim 35, The first embodiment of Rosen teaches: a computer program embodied on a computer readable medium comprising a program code configured to control a processor to execute the process, the process comprising: (memory and processor per col. 4 lines 9 to 11 and software per col. 6 line 1) the process comprising:

communication media in relation to the party of the communication session (the user receives positive or negative confirmation from the server of floor status per col. 1 lines 54 to 58. Both media data and signaling data are sent over the reverse link per col. 5 lines 1 to 5. The floor status sent over available forward channel per col. 10 lines to 15)

Indicating a floor status to a party (the user receives positive or negative confirmation from the server of floor status per col. 1 lines 54 to 58)

The first embodiment does not expressly call for: session description protocol

The second embodiment teaches: session description protocol per Figure 2 and per col. 6 line 59 to col. 7 line 10

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the session description protocol of second embodiment in performing requesting and granting of the first embodiment in order to simplify the task of responding to request while retaining flexibility for future enhancements while making the system standards compliant so the system will interoperate with legacy systems.

In addition Rosen teaches:

Regarding claim 36, wherein the indicating the floor information to the party comprises indicating that a floor is taken (negative confirmation from the server relative to PTT request per col. 1 lines 54 to 58)

Regarding claim 37, wherein the indicating the floor status information to the party comprises indicating that a floor is granted (positive confirmation from the server relative to PTT request per col. 1 lines 54 to 58)

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 29-31 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Referring to claim 29, claim 29 is directed to a method in which physical structure to perform the method is in the preamble. The processor or physical structure in the preamble is an intended use or optional limitation consequently no physical structure is defined to perform a significant step in the method. The steps of the method do not perform a physical transformation. Receiving the message has not been interpreted as a significant step. Method claims without physical structure to perform method or do not perform a physical transformation are non-statutory. None of the dependent claims that depend upon claim 29 correct these deficiencies so the dependent claims are also non-statutory.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claim 32-34 are rejected under 35 U.S.C. 112, because are a single means claim.

Referring to claim 32, this claim is directed to an apparatus which has a processor configured to receive a message or means of receiving a message. Only one means is mentioned so this claim is a single means. None of the dependent claims associated with claim 32 correct this deficiency so they are also single means claims.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 35-37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9. Referring to claim 35, what is meant by “communication media information for the communication session and floor status....”? Even though this claim is marked previously presented the examiner believes that the applicant left out part of the previously claimed limitation and thus making this claim limitation indefinite.

***Response to Amendment***

10. Applicant's arguments filed 6/9/09 have been fully considered but they are not persuasive.

The examiner respectfully disagrees with the applicant argument that the 101 rejection relative to claim 29 has been traversed. The applicant has amended the method claim with a processor in the preamble which is intended usage limitation without patentable weight; therefore, the 101 rejection has not been withdrawn.

The examiner respectfully disagrees with the applicant argument that because the applicant has not claimed means for that single means claim rejection has been traversed. The applicant claimed a single processor which performs all of the steps; therefore, is a single means.

The examiner disagrees with the applicant's argument that there is motivation to combine the two embodiments of Rosen and secondly that one of the embodiments teaches: including in a message floor status information of a data communication media in relation to a party of a communication session the message carrying communication media information for the communication session, the message configured as at least one an offer and an answer

Second embodiment of Rosen teaches: per col. 4 lines 34 to 46 where Rosen states that the NBS can be used for push to talk processing. The NBS uses session description protocol per col. 6 lines 59 to 67

The first embodiment of Rosen teaches: including in a message floor status information of a data communication media in relation to a part of a communication session the message carrying communication media information for the communication session (When a net user or session participant pushes PTT a floor control request is sent to obtain permission from a communication manager or CM. If no other net member or session member is currently assigned the floor a grant of transmission privilege or communication session message carrying an alert or media information for the communication session is sent to the requesting net user per Figure 1 and per col. col. 4 line 34 to 46). The message configured as at least one an offer and an answer (The alert message can be interpreted as an answer from the CM in response to the PTT request and also the alert which is a grant can also be interpreted as an offer from the CM to communicate per col. 4 lines 34 to 46)

The first embodiment does not expressly call for: session description protocol

The second embodiment teaches: session description protocol per Figure 2 and per col. 6 line 59 to col. 7 line 10

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the session description protocol of second embodiment for sending the alert message of the first embodiment in order to simplify the task of responding to request while retaining flexibility for future enhancements while making the system standards compliant so the system will interoperate with legacy systems.

The examiner also disagrees with the applicant argument that the second embodiment of Rosen teaches away by from "including a message floor status information of data communication media in relation to a party of the communication session, the message carrying data communication media information for the communication session, the message configured as at least one of an offer and an answer of a session description protocol "



The first embodiment of Rosen teaches: Including in a message floor status information of a data communication media in relation to a part of a communication session the message carrying communication media information for the communication session (When a net user or session participant pushes PTT a floor control request is sent to obtain permission from a communication manager or CM. If no other net member or session member is currently assigned the floor a grant of transmission privilege or communication session message carrying an alert or media information for the communication session is sent to the requesting net user per Figure 1 and per col. 4 line 34 to 46)

The message configured as at least one an offer and an answer (The alert message can be interpreted as an answer from the CM in response to the PTT request and also the alert which is a grant can also be interpreted as an offer from the CM to communicate per col. 4 lines 34 to 46)

sending the message from a communication system to a user equipment (The floor status message is sent from the communication manager (communication system) to the requesting net user via 102, 104, or 106 or user equipment per Figure 1 and per col. 3 line 5 to col. 6 line 30) and generating the message is generated as an alert per Figure 1 and per col. 3 line 5 to col. 6 line 30)

The first embodiment does not expressly call for: session description protocol

The second embodiment teaches: session description protocol per Figure 2 and per col. 6 line 59 to col. 7 line 10

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the session description protocol of second embodiment to the alert message of the first embodiment in order to simplify the task of responding to request while retaining flexibility for future enhancements while making the system standards compliant so the system will interoperate with legacy systems.

The second embodiment actually teaches that: session description protocol can be used for PTT processing per col. 4 lines 34 to 46 and per col. 6 lines 59 to 67; therefore, applicant argument that a rejection with combination of two embodiments should be withdrawn because the mechanism are separate is not persuasive.

The examiner respectfully disagrees with the applicant argument that rejection of claim 29 has been traversed because Rosen fails to disclose: receiving a message describing a communication session wherein the message carries data communication media information for the communication session and floor status information of a data communication media in relation to part of the session wherein the message has been generated in accordance with a session description protocol and configured to provide an indication of the floor station information to the party.

Indicating a floor status to a party (The alert indicates a grant or floor status information for the communication session Figure 1 and per col. col. 4 line 34 to 46)

The first embodiment does not expressly call for: session description protocol

The second embodiment teaches: session description protocol per Figure 2 and per col. 6 line 59 to col. 7 line 10

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the session description protocol of second embodiment to the alert message of the first embodiment in order to simplify the task of responding to request while retaining flexibility for future enhancements while making the system standards compliant so the system will interoperate with legacy systems.

Referring to claim 29, the first embodiment of Rosen teaches: receiving a message describing a communication session wherein the message carries data communication media information for the communication session and floor status information of a data communication media in relation to part of the session (When a net user or session participant pushes PTT a floor control request is sent to obtain permission from a communication manager or CM. If no other net member or session member is currently assigned the floor a grant of transmission privilege or communication session message carrying an alert or media information as well as floor status information because the alert is a grant for the communication session Figure 1 and per col. col. 4 line 34 to 46)

Indicating a floor status to a party (The alert indicates a grant or floor status information for the communication session Figure 1 and per col. col. 4 line 34 to 46)

The first embodiment does not expressly call for: session description protocol

The second embodiment teaches: session description protocol per Figure 2 and per col. 6 line 59 to col. 7 line 10

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the session description protocol of second embodiment to the alert message of the first embodiment in order to simplify the task of responding to request while retaining flexibility for future enhancements while making the system standards compliant so the system will interoperate with legacy systems.

***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT W. WILSON whose telephone number is (571)272-3075. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dang Ton can be reached on 571/272-3171. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

//Robert W Wilson/  
Primary Examiner, Art Unit 2419

RWW  
7/21/09